

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

ROTH GRADING, INC.,)	CASE NO. 8:06CV724
)	
Plaintiff,)	
)	
V.)	ORDER OF DISMISSAL
)	
STEPHENS MDS LP, a Georgia)	
Limited Partnership,)	
)	
Defendant.)	

This matter is before the Court on the Plaintiff's motion to dismiss. The motion is not opposed. Based on the parties' settlement, Plaintiff seeks dismissal of its Complaint with prejudice. The motion complies with the requirements of Fed. R. Civ. P. 41(a)(2), and should be granted.

IT IS ORDERED:

1. Plaintiff's Motion to Dismiss (Filing No. 19) is granted;
2. The Complaint (Filing No. 1) and all claims in this matter are dismissed with prejudice; and
3. The parties shall pay their own costs and attorney's fee.

DATED this 4th day of May, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge